

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.

CLAIMS

The Office Action dated July 16, 2007 rejected claims 1-13, 17-21, 29-33 and 41. Claims 1-12, 17-19, and 29-41 have been canceled. New arguments in support of patentability for claims 13, 20, and 21 are provided by this response. Claims 13, 20, and 21 are currently pending in the application.

35 U.S.C. § 102

In the Office Action dated July 16, 2007, claims 1-6, 12-13, 17-19, 29-31, 33, and 41 are rejected under 35 U.S.C. § 102(e), as being anticipated by Thiessen. (US Patent No. 5,495,412, hereinafter, "Thiessen."). Claims 1-12 and 29-33 have been canceled.

The Applicant respectfully disagrees with the characterization of Thiessen in the rejection under 35 U.S.C. § 102. The characterizing language in the Office Action mirrors the language of the Applicant's claims. While the Applicant agrees that there may be certain similarities between Thiessen and the claimed invention's Contingent Commitment Module (but NOT to the claimed invention's Valuation Module), the Applicant disagrees with many of the characterizations of Thiessen. To respond to the characterizations in the rejection on an element-by-element basis, the Applicant would have to describe in detail what Thiessen actually discloses for each recited characterized element of Thiessen, as compared to the claim language of the present disclosure that the Office Action virtually quoted to describe Thiessen. Considering the scope and length of Thiessen that has been characterized using Applicant's own claim language, responding to the characterizations of Thiessen on an element-by-element basis would require a lengthy response. The Applicant will focus on certain clear distinctions between Thiessen and the presently claimed invention.

The Applicant further emphasizes that the present rejection is under 35 U.S.C. § 102, and as such to overcome this rejection, the Applicant is only required to provide a

distinction between the claimed invention and Thiessen. The Applicant will provide several clear distinctions.

The Office Action rejected claim 13 under 35 U.S.C. § 102 as being anticipated by Thiessen. While Thiessen uses the words “evaluation” and “estimate”, *Thiessen does not in any way address the problem of measuring the value of a quantity, which is addressed by the Valuation Module of the present invention. Furthermore, Thiessen does not in any manner describe a method of error reduction through error cancellation as described in the specification of the present invention. Finally, Thiessen does not in any way describe a method of error reduction through multi-dimensional error cancellation as described in the specification of the present invention.*

As noted above, the present rejection is under 35 U.S.C. § 102, and as such to overcome this rejection, the Applicant is only required to provide a distinction between the claimed invention and Thiessen. The Applicant submits, that, for at least the above reasons, the anticipation rejection of claim 13 should be withdrawn.

Claims 20 and 21 depend from claim 13, and thereby include the limitations of claim 13. For at least that reason, the Applicant submits that the Thiessen rejection under 35 U.S.C. § 102 to claims 20 and 21 should be withdrawn.

35 U.S.C. § 103

In the Office Action dated February 24, 2006, claims 8, 10,11, 15, 16, 32, and 38-40 are rejected under 35 U.S.C. § 103, as being anticipated by Thiessen. None of these claims are pending in the Application.

CONCLUSION

In view of the forgoing remarks, Applicant respectfully requests reconsideration and allowance of the subject matter application including claims 13, 20, and 21.

Respectfully Submitted,

1 / 15 / 2008
(Date)



Marc M. Groz
(Inventor)
1450 Washington Blvd., Apt. S-1602
Stamford, CT, 06902
(917) 757-7024